

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF MASSACHUSETTS

3 Civil Action No. 04-30172-MAP

4 ROBERT DADE,  
5 Plaintiff,

6 vs.

7 BOLAND BUILDERS, INC., THOMAS  
M. BOLAND, STUART JONES AND  
MARY ROSE JONES,  
Defendants.8 DEPOSITION OF: STEWART JONES, called by  
counsel for the Plaintiff, taken pursuant to the  
Federal Rules of Civil Procedure before Leigh B.  
Gershowitz, Certified Shorthand Reporter, Registered  
Merit Reporter, Certified Realtime Reporter and  
Notary Public, at the Offices of O'Connell, Flaherty  
& Attmore, 1350 Main Street, Springfield,  
Massachusetts, on Friday, October 21, 2005,  
commencing at 11:03 a.m.

## 9 APPEARANCES:

10 See Page 2

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Leigh B. Gershowitz, CSR, RMR, CRR  
Certified Shorthand Reporter  
Registered Merit Reporter  
Certified Realtime Reporter

2 WITNESS: DIRECT CROSS REDIRECT RECROSS

3 STEWART JONES 5

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## 6 EXHIBITS: DESCRIPTION PAGE

7 1 Interrogatories 23  
2 Statement 24

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## 1 APPEARANCES:

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## 1 STIPULATIONS

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3 It is agreed by and between the parties that  
4 all objections, except as to the form of the  
5 question, are reserved to be raised at the time of  
6 trial for the first time.

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8 It is further agreed by and between the  
9 parties that all motions to strike unresponsive  
10 answers are also reserved to be raised at the time of  
11 trial for the first time.

12

13 It is also agreed that the deponent will  
14 read and sign the deposition.

15

16 It is further agreed by and between the  
17 parties that notification to all parties of the  
18 receipt of the original deposition transcript is also  
19 hereby waived.

20

21

22

23

1 house. You heard that testimony from her?

2 A. Yes.

3 Q. Were you present when that occurred?

4 A. Yes, I was.

5 Q. Where were you?

6 A. I was actually passing through the kitchen  
7 at the time that Tom was giving them the -- the  
8 description and tour and showing them the skylights.  
9 I was going through at the time he was actually  
10 showing them the skylights.

11 Q. And "Tom" being Mr. Boland?

12 A. Yes.

13 Q. Who all was with Tom Boland at that time,  
14 as you recall?

15 A. I -- all I recall is Tom and the crew from  
16 the roofing company.

17 Q. And the crew consisted of how many men, as  
18 you recall?

19 A. It seemed like four, maybe five people.

20 Q. And how long was that before Robert Dade's  
21 accident, if you can recall?

22 A. I believe, if I remember correctly, it was  
23 the day before.

10

1 Q. And do you recall specifically whether or  
2 not Robert Dade was one of the individuals in the  
3 group with Mr. Boland?

4 A. I believe that he was. I made a statement  
5 much sooner after -- after the accident, I'd have to  
6 say whatever was on the statement was, you know, what  
7 happened, as far as my view is. I -- right now, I  
8 mean, I can't remember faces or things like that.

9 Q. Okay. Let me ask you it in a slightly  
10 different way. As we sit here today, can you swear  
11 to it that he was there, that Robert Dade was one of  
12 the people in the kitchen?

13 A. I know that I believed all of this time  
14 that he was one of the people that was there. And if  
15 I have a mental picture in my head of it, I couldn't  
16 tell you for sure. But I -- it was my understanding  
17 that he was there from what I had remembered what I  
18 had said before.

19 Q. Okay.

20 A. And I would trust -- so I'm trusting, you  
21 know -- I shouldn't drive you through my mental  
22 processes, but...

23 Q. Okay. Let me back up and ask you

1 something different. What is your profession or  
2 occupation, by the way?

3 A. Right now I'm just caretaking our house  
4 and properties. I --

5 Q. What is your most recent profession or  
6 occupation?

7 A. Last job I had was with EDS. I just  
8 recently got it -- it was in 1998 -- I got a computer  
9 science degree, went to work for EDS for a few  
10 months, and then decided I needed to be at home.

11 Q. Okay. Now, when was it that you decided  
12 to be at home? In '98? Roughly.

13 A. '98 or '99, or probably '99.

14 Q. Okay. Was there any other walk-through  
15 that you recall with Dade Roofing?

16 A. Any other walk-through?

17 Q. Right.

18 A. No. They did the walk-through and then  
19 they stayed. They were working down on the barn.

20 Q. So the walk-through you recall being the  
21 day before the work was done -- the roofing work was  
22 done on the barn; is that correct?

23 A. Mm-hmm. Yes.

12

1 Q. Now, was the roofing on the house done the  
2 same day as the barn?

3 A. No.

4 Q. Was the barn finished before the roofing  
5 on the house started?

6 A. Yes.

7 Q. And how long did that take, if you can  
8 recall?

9 A. The barn wasn't very -- I think -- I don't  
10 recall. It seemed like it was just a one-day job for  
11 the barn.

12 Q. Turning back to the day of the  
13 walk-through in the kitchen, were the skylight holes  
14 cut in the ceiling?

15 A. Yes.

16 Q. And was there anything covering the  
17 skylight holes on the outside?

18 A. On the outside, the tarpaper was on, yes.

19 Q. At any time during the construction  
20 process after the skylight holes have been cut, was  
21 there anything else covering them, like plywood or  
22 roofing sheeting or anything like that?

23 A. I couldn't tell you. It seemed like they